

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KELLY KOERNER,

Plaintiff,

v.

JAMES GREG COX, *et al.*,

Defendants.

3:11-cv-00116-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#105¹) entered on August 21, 2013, recommending granting Defendants' Motion for Summary Judgment (#64) filed on December 6, 2012. Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (#111) on September 23, 2013. Defendants filed an Opposition to Plaintiff's Objections to Magistrate Judge's Report and Recommendation (#) on October 7, 2013.

In addition, Plaintiff has filed a Motion to Allow Late Reply Re Doc. 112 (#116) on November 25, 2013, seeking to file his Reply to Opposition to Objections to R&R (#116-1). Defendants filed their Opposition to Plaintiff's Motion to Allow Late Reply (#117) on November 26, 2013, and Plaintiff filed his Reply to Defendants' Doc. 117 to Allow Plaintiff's Doc. 116 to Be Construed as a Sur-Reply (#121) on December 3, 2013.

¹Refers to court's docket number.

1 Local Rule IB 3-2 does not entitle a party to file a reply to a response to any opposition to a
2 report and recommendation. Nonetheless, the court has considered Plaintiff's reply in reaching its
3 determination.

4 This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local
5 Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

6 The Court has conducted its *de novo* review in this case, has fully considered the objections of
7 Plaintiff, Defendants' opposition to the objections, Plaintiff's reply, the pleadings and memoranda of
8 the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule
9 IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#105) entered
10 on August 21, 2013, should be adopted and accepted.

11 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
12 (#105) entered on August 21, 2013, is adopted and accepted, and Defendants' Motion for Summary
13 Judgment (#64) is **GRANTED in its entirety**.

14 IT IS FURTHER ORDERED that Plaintiff's Motion to Allow Late Reply Re Doc. 112 (#116)
15 is GRANTED.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

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18 IT IS SO ORDERED.

19 DATED this 23rd day of January, 2014.

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22 LARRY R. HICKS
23 UNITED STATES DISTRICT JUDGE
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